

No. 22-10311  
IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,  
Plaintiff-Appellee,  
v.  
JULI MAZI,  
Defendant-Appellant.

DC No. 3:22-cr-00036-CRB-1

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**APPELLANT'S RESPONSE TO COURT ORDER**

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APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

HONORABLE CHARLES R. BREYER  
United States District Judge

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Federal Public Defender  
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## **APPELLANT'S RESPONSE TO COURT ORDER**

Defendant-Appellant Juli Mazi ("Appellant"), by and through her attorney of record, Deputy Federal Public Defender Michael Gomez, hereby responds to the Court's orders dated January 3 and 11, 2023. (Dkt. 10, 16) This Court ordered Appellant to submit a completed financial affidavit ("CJA Form 23") within 35 days of counsel's appointment (*i.e.*, by February 27, 2023). For the reasons set forth in the declaration below, counsel is unable to do so. Appellant respectfully requests, however, that this Court find Appellant is indigent and is entitled to appointed counsel based on: (1) the district court's prior findings of indigency and appointments of counsel; (2) the district court's decision not to impose any fines as part of its sentence; and (3) Appellant's negative net worth, as indicated in the presentence investigation report. Alternatively, Ms. Mazi respectfully requests that this Court grant her an additional 60 days to file a completed CJA Form 23. This response and request are based on the attached declaration of counsel.

Respectfully submitted,

CUAUHTEMOC ORTEGA  
Federal Public Defender

DATED: February 27, 2023

By s/ Michael Gomez  
MICHAEL GOMEZ  
Deputy Federal Public Defender  
Attorney for Defendant-Appellant

## **DECLARATION OF MICHAEL GOMEZ**

I declare under penalty of perjury that, to the best of my knowledge, the following is true and correct:

I am a Deputy Federal Public Defender for the Central District of California and have been appointed to represent Ms. Mazi in the above-captioned appeal.

On January 3, 2023, this Court conditionally granted Ms. Mazi's motion for appointment of counsel, requiring that Ms. Mazi file a renewed and completed CJA Form 23. (Appellate Court ("AC") Dkt. 10) A week later, Ms. Mazi's appointed counsel filed a motion to withdraw, which this Court granted on January 11, 2023. (AC Dkt. 15, 16, 17) This Court then appointed the Office of the Federal Public Defender for the Central District of California to represent Ms. Mazi in this appeal. (AC Dkt. 18)

Ms. Mazi was scheduled to self-surrender on January 6, 2023, to begin serving the 33-month sentence imposed in this case. (District Court ("DC") Dkt. 58) Ms. Mazi did not self-surrender on that date and is not presently in custody. The district court docket reflects that on January 23, 2023, a warrant for Ms. Mazi's arrest was issued. (DC Dkt. 83)

On January 23, 2023, I was assigned to represent Ms. Mazi in this appeal and filed my notice of appearance in this case. (AC Dkt. 20)

I have not been able to communicate with Ms. Mazi regarding her financial status and CJA Form 23 within the time set by the Court. Even so, I believe this Court may find Ms. Mazi is indigent and is entitled to appointed counsel based on the following:

1. On July 15, 2021, Ms. Mazi filed CJA Form 23 in the district court, which was filed and remains under seal. Based on that form, the court found Ms. Mazi was indigent and eligible for appointed counsel, and the court appointed Assistant Federal Defender David Rizk of the Office of the Federal Public Defender for the Northern District of California to represent Ms. Mazi. (DC Dkt. 4, 5) Ms. Mazi subsequently retained private counsel and ultimately exercised her right to represent herself in the district court. (DC Dkt. 7, 8, 39)
2. The presentence investigation report (“PSR”), filed on November 15, 2022, states that Ms. Mazi has a negative net worth—that is, -\$92,000. (DC Dkt. 54, p.11) According to the PSR, Ms. Mazi was subject to a fine of \$10,000–\$100,000 under the United States Sentencing Guidelines. (DC Dkt. 54, p.18) The probation officer stated, however, that “[g]iven [Ms. Mazi’s] inability to pay, no fine is recommended.” (DC Dkt. 54, p.19)

3. On November 29, 2022, the district court adopted the PSR without change and sentenced Ms. Mazi to concurrent terms of 33 months in prison followed by 3 years of supervised release. (DC Dkt. 58, 61)  
  
The court ordered Ms. Mazi to pay a mandatory special assessment of \$200, but found that Ms. Mazi “[did] not have the ability to pay a fine and the Court order[ed] it waived.” (DC Dkt. 58) The district court’s Judgment and Statement of Reasons likewise indicate that the court waived all applicable fines due to Ms. Mazi’s inability to pay. (DC Dkt. 60, 61)
4. Ms. Mazi filed a timely notice of appeal and a motion for appointment of counsel on appeal, along with an incomplete CJA Form 23. (DC Dkt. 63; AC Dkt. 4) On January 6, 2023, the district court issued an order, stating: “appellant, having testified under oath or having otherwise satisfied this court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and, because the interests of justice so require, the Court finds that the individual is indigent,” thereby entitling her to the appointment of counsel. (DC Dkt. 79) The court, thus, appointed CJA panel attorney Mark D. Flanagan to represent Ms. Mazi on appeal. (DC Dkt. 79)

Based on the district court's prior findings of indigency and appointments of counsel, the PSR's reporting of Ms. Mazi's negative net worth, and the district court's decision not to impose any fines due to Ms. Mazi's inability to pay, I believe this Court could find that Ms. Mazi is entitled to appointed counsel on appeal.

Should the Court decline to do so, I request an additional 60 days to comply with the Court's order.

Executed on February 27, 2023 in Los Angeles, California.

*s/ Michael Gomez*

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MICHAEL GOMEZ